IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 361 OF 2007

State of Maharashtra through the Executive Engineer, Hatawane Prakalpa Dvn., Karmali, Tal. Pen, Dist.Raigad..... ..... Petitioner

V/s

Shri Maruti Thakaji Khandekar..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.A.P.Vanarse, AGP for the petitioner.

Mr.Ravindra Nair, Adv. For respondent.

CORAM: A.P. DESHPANDE, J.
4.4.2007

PC:

An order passed by the Industrial Court dismissing the revision filed by the present petitioner, concurring with the view taken by the Labour Court is challenged in this petition. The respondent-complainant was working as watchman during the period from 1984 to 1989but he was not allowed to work

and orally terminated with effect from 21.11.1988. Aggrieved by the termination respondent filed a complaint before the Labour Court contending that the present petitioner has indulged in unfair labour practice. Before the Labour Court the complaint was pending for more than eight years and had to be adjourned from time to time for failure on the part of the petitioner to participate in the proceedings and on account of seeking adjournments by the petitioner. In the year 1997 the Labour Court was constrained to record evidence of the complainant in the absence of the present petitioner and was also constrained to pass orer of no cross. Thus evidence led by the respondent-employee had gone unchallenged. Relying on the said evidence the Labour Court has allowed the complaint. The order passed by the Labour Court was challenged before the Industrial Court by filing revision and the

revisional court has dismissed the revision concurring with the view taken by the Labour Court by an order dated 10.12.2004. The order passed by the Industrial Court in revision has been belatedly challenged by filing present writ petition on 27.11.2006. The delay and laches in filing the writ petition has not been properly explained. Perused the order passed by the revisional court. Same does not call for any interference. Learned Additional Government Pleader appearing for the petitioner tried to contend that the order passed by the Labour Court is ex-parte order and petitioner should be granted an opportunity to meet the case of the complainant on merit by remanding the matter. There is no justification for remand of the matter almost after lapse of period of 18/19 years. Petitioner has not been diligent in defending the complaint before the Labour Court and the Labour Court was constrained to

proceed in the absence of the petitioner. There is no case made out in the writ petition. Hence writ petition is summarily dismissed.

4.4.07.